

February 1, 2024

Via ECF

The Hon. Judge Katharine H. Parker
United States Magistrate Judge
District Court for the Southern District of New York
500 Pearl Street, Room 750
New York, New York 10007

Re: *GMO Gamecenter USA, Inc., et al. v. Whinstone US, Inc.*, No. 1:22-cv-05974

Dear Judge Parker:

Pursuant to the Court's January 12, 2024 Order, ECF No. 118, undersigned counsel for GMO Gamecenter USA, Inc. and GMO Internet Group, Inc.'s (collectively, "GMO") and Whinstone US, Inc. ("Whinstone"), write to preview the disputes and issues that the parties would like to discuss at the February 5, 2024 conference.

The parties plan to discuss the following issues:

1. An extension of the deadline for the close of fact discovery. The parties agree that an extension is required, but disagree about the appropriate length.
2. Riot Platforms, Inc.'s ("Riot") objections to GMO's third-party document subpoena. Riot is represented by Debevoise & Plimpton LLP.
3. Whinstone's objections to the third-party document subpoena served on TXU Energy Retail Company, LLC ("TXU"). Under Texas law, TXU cannot produce documents in response to GMO's subpoena without Whinstone's consent. TXU has produced certain materials to Whinstone, but Whinstone has objected to the production of those materials to GMO.

Certain other third parties have served objections to third-party subpoenas, and the parties are attempting to work with the third parties in order to resolve any disputes concerning these subpoenas. The parties have otherwise continued to meet and confer in order to resolve disputes and clarify the scope of discovery.

Respectfully submitted,

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cc: All Counsel of Record (*via ECF*)